

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOHN DOE,

Plaintiff,

v.

MARTIN MAGNUSSON, et al.,

Defendants.

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Civil No. 04-130-B-W

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision filed March 21, 2005, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the Defendants' Motion to Dismiss as to the Fourteenth Amendment claim is GRANTED as the Defendants are entitled to qualified immunity. The Defendants' Motion to Dismiss as to the Eighth Amendment claim is also GRANTED for failure to state a claim. As for the state law claims, the Court declines to exercise supplemental jurisdiction and those counts are DISMISSED without prejudice.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 14th day of April, 2005

Plaintiff

JOHN DOE

represented by **JOHN DOE**
33 SECOND STREET
MILO, ME 04463

PRO SE

V.

Defendant

MARTIN MAGNUSSON

*Individually and in his official
capacity*

represented by **GWENDOLYN D. THOMAS**
ASSISTANT ATTORNEY
GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800
Email: gwen.thomas@maine.gov
ATTORNEY TO BE NOTICED

Defendant

JEFFREY MERRILL

*Individually and in his official
capacity*

represented by **GWENDOLYN D. THOMAS**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BEN SMITH

*Individually and in his official
capacity*

represented by **GWENDOLYN D. THOMAS**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MICK COLLINS

*Individually and in his official
capacity*

represented by **GWENDOLYN D. THOMAS**
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